

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,	)	
	)	3:94-CR-00044-LRH-WGC
Plaintiff,	)	
	)	
v.	)	<u>ORDER</u>
	)	
DONALD LEROY HOGAN,	)	
	)	
Defendant.	)	
_____	)	

Before the Court is Defendant Donald Leroy Hogan’s (“Hogan”) Motion for Reduction of Sentence under 18 U.S.C. § 3582(c)(2), Amendment 782. Doc. #1357. On October 22, 2014, Hogan filed a Motion for Appointment of Counsel Pursuant to 18 U.S.C. § 3006A(a)(1) and (c) “for the purpose of determining whether the defendant may qualify to seek reduction of sentence.” Doc. #1350. The Court granted this Motion on October 30, 2014. Doc. #1351. The Federal Public Defender decided not to file a motion for reduction of sentence, and on February 13, 2015, filed a Motion to Withdraw as Counsel (Doc. #1352), which the Court granted on April 28, 2015 (Doc. #1356). The present Motion for Reduction of Sentence was filed on May 6, 2015. Doc. #1357.

On September 16, 1996, the Court imposed a sentence of 360 months to life due to a total offense level of 42, and a criminal history category of III. Hogan argues that the Court should apply a two-level reduction of his base offense level—to an amended base offense level of 36 and total offense level of 40—pursuant to 18 U.S.C. § 3582(c)(2), Amendment 72. Hogan adds that

1 such a reduction would not harm public safety because his crime was not a crime of violence, and  
2 Hogan has not been charged with any violent offenses. Additionally, Hogan notes that he has  
3 remained free of disciplinary conduct in prison for the past ten years.

4 The United States Probation Office submitted a Reduction of Sentence Report on  
5 November 26, 2014. Probation recommended that the Court deny Hogan's Motion for two  
6 reasons: (1) on April 30, 2012, the Court denied a prior motion for reduction of sentence pursuant  
7 to 18 U.S.C. § 3582(c)(2), Amendment 591; and (2) the defendant's newly calculated total offense  
8 level does not reduce the applicable sentencing range. The Court agrees, and finds that amendment  
9 of Hogan's sentence pursuant to Amendment 782 would not reduce the applicable sentencing  
10 range. Because Hogan has a criminal history category of III, a reduction to a total offense level to  
11 40 would result in the same applicable sentence range: 360 months to life. Accordingly, the Court  
12 denies Hogan's request for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2), Amendment  
13 782.

14 IT IS THEREFORE ORDERED that Hogan's Motion for Reduction of Sentence Pursuant  
15 to 18 U.S.C. § 3582(c)(2), Amendment 782 (Doc. #1357) is DENIED.

16 IT IS SO ORDERED.

17 DATED this 20th day of September, 2015.

18   
19 LARRY R. HICKS  
20 UNITED STATES DISTRICT JUDGE  
21  
22  
23  
24  
25  
26